

**BOARD OF SUPERVISORS' MEETING**  
**PLANNING AND ZONING AGENDA**  
**September 9, 2015**

**CONSENT AGENDA**

1. Title: Trilogy at Verde River Ranch  
Case #: DMP2015005  
Supervisor District: 2  
Applicant/Owner: HilgartWilson/Vista Verde 2013, LLC & Tegavah Construction LP  
Request: Development Master Plan (DMP) to change land uses of Large Lot Residential, Medium Density Residential and Commercial Retail Center to Commercial Retail Center, Large Lot Residential and Medium Density Residential  
  
Site Location: Approximately 1,000' north of the northeast corner of Rio Verde Dr. and North Tegavah Place West (in the Rio Verde area)  
  
Site Size: Approximately 42 acres of an 857 acre master-planned community  
  
Commission Recommendation: On 8/6/15, the Commission voted 6-0 to recommend **approval** of **DMP2015005** subject to conditions 'a' – 'k':
  - a. Development shall comply with the Development Master Plan document entitled, "Trilogy at Verde River Ranch – Major Development Master Plan Amendment", a document, dated revised July 6, 2015, and stamped received July 8, 2015, including all exhibits, maps, and appendices, except as modified by the following conditions.
  - b. Changes to the Trilogy at Verde River Ranch Development Master Plan with regard to use and intensity or changes to any of the approved conditions shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the narrative report, maps, and exhibits, or the conditions of approval will be treated as a violation in accordance with Maricopa County Procedures.
  - c. The master developer shall be responsible for the construction of all public and private on-site roads within the Trilogy at Verde River Ranch Development Master Plan. Further, the homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping with public rights-of-way, and all pedestrian, bicycle, and multi-use paths.

- d. Landscaping of all common areas and open spaces, except for identified recreational areas shall consist of indigenous and or low water use species.
- e. The Trilogy at Verde River Ranch Development Master Plan shall be developed sequentially as depicted on the phasing diagram (Figure 10) contained in the Trilogy at Verde River Ranch Development Master Plan narrative report. The Planning and Development Department may approve alterations to the phasing diagram and/or phasing order if all infrastructure, drainage and public safety requirements are met.
- f. The total number of residential dwelling units for the Trilogy at Verde River Ranch Development Master Plan shall not exceed 1,285 dwelling units. To help ensure compliance, the cumulative number of dwelling units completed to date, in relation to the identified limit, shall be identified on all plats.
- g. Common open space areas shall maintain compliance with all Arizona Department of Water Resources regulations.
- h. The master developer shall notify all future residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8-½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- i. Not less than 327 acres shall be reserved for Recreational Open Space (ROS) land use (Golf Course and washes).
- j. The following Engineering Review conditions shall apply:
  - 1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
  - 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards, and practices at the time of application for construction.
  - 3. The subject property is within a delineated 100-yr floodplain. Prior to any development and approval of a building permit, a Floodplain Use Permit must be obtained.

- k. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved conditions.

2. Title: Trilogy at Verde River Ranch  
Case #: Z2015044  
Supervisor District: 2  
Applicant/Owner: HilgartWilson/ Vista Verde 2013, LLC & Tegavah Construction LP  
Request: Zone Change from R-3 RUPD PAD, R1-10, Rural-43 and C-2 CUPD PAD to C-2 CUPD PAD, R-3 RUPD PAD and R1-10 RUPD  
Site Location: Approximately 1,000' north of the northeast corner of Rio Verde Dr. and North Tegavah Place West (in the Rio Verde area)  
Site Size: Approximately 42 acres of an 857 acre master-planned community  
Commission Recommendation: On 8/6/15, the Commission voted 6-0 to recommend **approval** of **Z2015044** subject to conditions 'a' – 'q':

- a. Development of the site shall comply with the Zoning Exhibit entitled "Verde River Ranch", consisting of 1 full-size sheet, dated revised July 6, 2015, and stamped received July 8, 2015, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Trilogy at Verde River Ranch", consisting of 17 pages, dated revised July 6, 2015, and stamped received July 8, 2015, except as modified by the following conditions.
- c. The R-3 RUPD and C-2 CUPD shall be subject to a Planned Area Development (PAD) Overlay Zone. Zoning district boundary lines shall be reflected on the subdivision plats or precise plan of development approvals.
- d. The following R-3 RUPD standards shall apply:
  - 1. Maximum height: 30' / 2 stories - Single Family
  - 2. Minimum front yard setback: 10' to Livable Area
  - 3. Minimum rear yard setback: 10'
  - 4. Minimum lot width: 50' – Single Family
  - 5. Minimum lot area per dwelling unit: 6,000 sq. ft. – Single Family
  - 6. Maximum lot coverage: 60% - Single Family & 60% - Attached Townhome
- e. The following C-2 CUPD standards shall apply:
  - 1. Minimum side yard setback: 10'
  - 2. Minimum rear yard setback: 10'
  - 3. Minimum parking space: 1 per 250 sq. ft. ratio for future development
  - 4. Walls and screening: None
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the

development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet for commercial projects.

- g. All interior streets within the proposed development are to be constructed to minimum County standards.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- k. Prior zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, servicing the site.
- l. The following Engineering Review conditions shall apply:
  - 1. A building permit and drainage clearance shall be obtained conforming to current Planning and Development requirements.
  - 2. The site shall retain the first one-half inch of rainfall, shall demonstrate post-development runoff will not exceed pre-development runoff, and shall conform to the conditions of the drainage waiver.
  - 3. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
  - 4. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards, and practices at the time of application for construction.
  - 5. The subject property is within a delineated 100-yr floodplain. Prior to any development and approval of a building permit, a Floodplain Use Permit must be obtained.
- m. The follow Flood Control District condition shall apply:

1. Prior to any development and approval of a building permit in a designated floodplain, a Floodplain Use Permit must be obtained from the Floodplain Management and Services Division of the Flood Control District. Prior to development approval within a regulatory floodplain/floodway, the applicant will be required to submit a Conditional Letter of Map Revision(s) (CLOMR) to FEMA. The CLOMR will need to be submitted prior to approval of any Final Plat.
- n. Variations to the development standards as indicated in the approved Unit Plan of Development (UPD) table may be varied by the Board of Adjustment in accordance with Article 303.2.2 of the Maricopa County Zoning Ordinance (MCZO).
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- p. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- q. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

3. Title: Lindsay Palm Property  
Case #: Z2015019  
Supervisor District: 1  
Applicant/Owner: David Ullrich/Phalavann Ea  
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) – 70' monopole stealth designed as a palm tree, in the Rural-43 zoning district  
Site Location: Generally located 400' south and west of the intersection of Appleby Rd. and Lindsay Rd.  
Site Size: Approximately 500 sq. ft. of 1.06 ac. parcel  
Additional Comments: Staff has calculated the opposition received, and notes that a Super Majority Vote **has been triggered**. The trigger is when 20% or more of property owners within a 300' radius of the subject site, by both number and area register opposition to the case. The opposition received accounts for 8 property owners with an area of 603,119 sq. ft.

**66.85%** opposed parcel acreage within 300' buffer

**61.54%** opposed parcel numbers within the 300' buffer

Commission

Recommendation: On 8/6/15, the Commission voted 5-1 (Commissioner Muller dissenting) to recommend **approval** of **Z2015019** subject to conditions 'a' – 'h':

- a. Development of the site shall comply with the Site Plan entitled "PH30547F, Lindsay Palm)", consisting of five (5) full-size sheets, dated May 12, 2015, and stamped received July 16, 2015, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "T-Mobile Site – PH30547F – Lindsay Palm Property", consisting of four (4) pages, dated Revised May 14, 2015, and stamped received July 16, 2015.
- c. The height of the wireless communication facility shall be limited to 70' including all antennas and attachments.
- d. A Minor Amendment shall be required to co-locate future carriers on the Wireless Communication Facility.
- e. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
- f. This Special Use Permit shall expire 30 years from the date of approval by the Board of Supervisors, or upon termination of the use for a period of 90 days or more. All of the site improvements shall be removed within 60 days of such termination or expiration.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.